

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2 PART II — Section 2 प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK LABHA

The following Bill was introduced in Lok Sahba on 3rd August, 2000

BILL No. 125 of 2000

A Bill further to amend the Cable Television Networks (Regulation) Act, 1995.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Cable Television Networks (Regulation) Amendment Act, 2000.

Short title.

7 of 1995.

2. In the Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as the principal Act), in section 2, clause (a) shall be relettered as clause (aa) and before clause (aa) as so relettered, the following clause shall be inserted, namely:—

Amendment of section 2.

- '(a) "authorised officer" means, within his local limits of jurisdiction,—
 - (i) a District Magistrate, or
 - (ii) a Sub-divisional Magistrate, or
 - (iii) a Commissioner of Police,

and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorised officer for such local limits of jurisdiction as may be determined by that Government;'.

3. In section 5 of the principal Act, the proviso shall be omitted.

Amendment of section 5.

Amendment of section 6.

4. In section 6 of the principal Act, the proviso shall be omitted.

Substitution of new section for section 8.

5. For section 8 of the principal Act, the following section shall be substituted, namely:—

Compulsory transmission of Doordarshan channels.

- "8. (1) Every cable operator shall, from the commencement of the Cable Television Networks (Regulation) Amendment Act, 2000, re-transmit at least two Doordarshan terrestrial channels and one regional language channel of a State in the prime band, in satellite mode on frequencies other than those carrying terrestrial frequencies.
- (2) The Doordarshan channels referred to in sub-section (1) shall be retransmitted without any deletion or alteration of any programme transmitted on such channels.
- (3) The Prasar Bharati (Broadcasting Corporation of India) established under sub-section (1) of section 3 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 may, by notification in the Official Gazette, specify the number and name of every Doordarshan channel to be re-transmitted by cable operators in their cable service and the manner of reception and re-transmission of such channels."

25 of 1990.

Amendment of section 11.

- 6. In section 11 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—
 - "(1) If any authorised officer has reason to believe that the provisions of sections 3,5,6 or 8 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network.".

Amendment of section 18.

7. In section 18 of the principal Act, for the portion beginning with the words "by such officer" and ending with the words "specify in this behalf", the words "by any authorised officer" shall be substituted.

Amendment of section 19.

- 8. In section 19 of the principal Act,—
- (i) for the portion beginning with the words "an officer, not below the rank of" and ending with the words "by the State Government in this behalf", the words "any authorised officer" shall be substituted;
- (ii) for the words "any particular programme if it is", the words and figures "any programme or channel if, it is not in conformity with the prescribed programme code referred to in section 5 and advertisement code referred to in section 6 or if it is" shall be substituted.

Amendment of section 20.

- **9.** Section 20 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—
 - "(2) Where the Central Government thinks it necessary or expedient so to do in the interest of the—
 - (i) sovereignty or integrity of India; or
 - (ii) security of India; or
 - (iii) friendly relations of India with any foreign State; or
 - (iv) public order, decency or morality,

it may, by order, regulate or prohibit the transmission or re-transmission of any channel or programme.

(3) Where the Central Government considers that any programme of any channel is not in conformity with the prescribed programme code referred to in section 5 or the prescribed advertisement code referred to in section 6, it may by order, regulate or prohibit the transmission or re-transmission of such programme.".

STATEMENT OF OBJECTS AND REASONS

The Cable Television Networks (Regulation) Act, 1995 was enacted with a view to regulating the operation of cable television networks in the country so as to bring uniformity in their operations and to avoid undesirable programmes from being made available to the viewers as well as to enable the optimal exploitation of this technology which has the potential of making available to the subscribers a vast pool of information and entertainment.

- 2. The operation of the Act for the past five years has brought forth certain deficiencies. Notable among these deficiencies are: non-application of the programme and advertisement codes on free-to-air channels, absence of an effective enforcement mechanism and wide discretion available to cable operators in carriage of Doordarshan channels. Appropriate enabling provisions for prescribing the manner of re-transmission of Doordarshan channels is also absent. These have resulted in the neglect of important terrestrial channels of the public service broadcaster, namely, Doordarshan-I and Doordarshan-II.
 - 3. To overcome the above deficiencies, it has been proposed that—
 - (i) The free-to-air channels should be brought within the scope of the programme and advertisement codes so as to avoid distribution of undesirable programmes to the viewers;
 - (ii) the authorised officers be defined in the Act itself and Central and State Governments be also empowered to notify additional authorised officers, with the further provision that the distinction between authorised and specified officers be removed;
 - (iii) the authorised officers be empowered to seize the equipment being used by the cable operators for operating the cable television network in contravention of any of the provisions of sections 3, 5, 6 and 8 of the Act;
 - (iv) the authorised officers be empowered to prohibit any programme or channel if it is not in conformity with the prescribed programme and advertisement codes;
 - (ν) the scope of powers of the Central Government be adequately modified so as to take immediate corrective measures in the interests of security, sovereignty and integrity of India, public order, decency, morality, etc.;
 - (vi) suitable amendments be made to ensure uniform carriage and proper reception of two terrestrial channels of Doordarshan along with one regional language channel through the cable networks, so that the subscriber is not deprived of the major channels of the public service broadcaster; and
 - (vii) Prasar Bharati (Broadcasting Corporation of India) be empowered to specify, by notification, the number and name of every Doordarshan channel to be re-transmitted by the cable operators in their cable service and the manner of reception and re-transmission of such channels.
 - 4. The Bill seeks to achieve the above objects.

ARUN JAITLEY,

New Delhi; The 26th July, 2000. G. C. MALHOTRA, Secretary General.